

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.7008 of 2016

Date of Decision: 17.02.2018

State of Haryana & ors.

... Petitioners

Versus

Kanhiya Lal

... Respondent

CORAM:- HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Ravi Pratap, AAG, Haryana,
for the petitioners.

Mr. Ashwani Kumar Sihmar, Advocate,
for the respondent.

RAMENDRA JAIN, J.(Oral)

Through the instant revision petition under Article 227 of the Constitution of India, the State has laid challenge to the order dated 01.08.2016 (Annexure P-1) directing it to make compliance of the judgment of the First Appellate Court dated 18.07.2014.

Learned State counsel contends that the Labour Court had granted 25% back wages to the respondent with reinstatement on previous post, whereas the First Appellate Court has illegally granted relief to the respondent for appointment on the post of Store Munshi. The State is ready to give appointment to the respondent on a temporary post of Store Munshi in compliance of the judgment of the First Appellate Court, but the executing Court has wrongly directed to appoint the petitioner on a regular post.

On the other hand, learned counsel for the respondent-plaintiff strongly opposed the above submissions made by learned State counsel, pleading the legality and validity of the impugned order.

Having given thoughtful consideration to the submissions made by both the sides, this Court finds the instant petition is completely devoid of

any merit, rather the same is abuse of process of law, inasmuch as nothing adverse has been observed by the executing Court in the impugned order against the State. Rather it has simply directed the State to comply with the judgment of the First Appellate Court. Even the executing Court has not interpreted judgment of the First Appellate Court, rather has simply asked the State to comply with it.

Admittedly, the judgment of the First Appellate Court has attained finality inasmuch as State did not file second appeal before this Court against the same.

It is not understandable as to why the instant petition has been filed by the State. In a way, it is a clever attempt of the officials of the State for not giving his legitimate claim to the respondent, which he got after a long battle.

In view of above, this frivolous petition is dismissed with exemplary costs of ₹20,000/-, which shall be paid in equal share by petitioners no.2 to 4, and shall be deposited with the Member Secretary, District Legal Services Authority, Rohtak.

Adjourned to 19.03.2018, for production of the receipt/challan.

17.02.2018
monika

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No